

REMARKS

An Office Action was mailed on August 29, 2005. Claims 11-27 are pending, of which claims 11 and 21 are independent claims. All claims stand rejected.

By the foregoing, claim 24 is amended to obviate an objection. No new matter has been added. The rejections are herewith traversed. Passage of the claims to allowance is requested.

Objection

Claim 27 stands objected for improper punctuation. The claim has been amended. Accordingly, the Examiner is respectfully requested to withdraw the objection.

Rejection under 35 U.S.C. §102(b)

Claims 21 and 27 stand rejected under 35 U.S.C. §102(b) as being anticipated by European Patent Application EP 1,057,508 to Dolci et al. (the '508 patent). Specifically, the '508 patent is cited inter alia for teaching a book comprising a plurality of book sections, each section comprising at least one page of a first plurality of pages having a first page type and at least one page of a second plurality of pages having a second page type at col. 1, lines 12-28. Applicant respectfully traverses the rejection.

Applicant herewith submits a declaration by the co-inventor of the '508 patent, Mr. Oliviero Dolci, who is also the sole inventor of the present application. Therein, Mr. Dolci declares that the cited section describes alternative materials for use in pages and not two different page types. Mr. Dolci further states that at the time of the invention of the '508 patent, the notion of different page types being present in the same book had not been conceived by Mr. Dolci nor his co-inventor.

In support thereof, Mr. Dolci cites that pages in the specification and in the (European style) claims are referenced using the numeral 2. Had there been more than one type of page, a second

reference numeral would be required under European patent rules. Further in support thereof, Applicant submits a declaration executed by Mr. Gianfranco Dragotti, a European patent attorney and whose firm prosecuted the '508 patent before the European Patent Office.

Accordingly, Applicant submits that the cited reference does not teach, disclose, or suggest the claimed invention.

In view of the foregoing, the Examiner is respectfully requested to withdraw the rejections.

Rejection under 35 U.S.C. §103(a)

Independent claim 11 and dependent claims 12-20 and 22-26 stand rejected under 35 U.S.C. §103(a) as being unpatentable over the '508 patent in view of U.S. Patent No. 4,819,963 to Wolski (Wolski).

The '508 patent is cited inter alia for teaching a book comprising a plurality of book sections, each section comprising at least one page of a first plurality of pages having a first page type and at least one page of a second plurality of pages having a second page type at col. 1, lines 12-28. Applicant respectfully traverses the rejection as discussed above.

Wolski is cited for teaching that the first thickness of page is greater than second page of thickness as claimed in claim 11. Wolski does not teach, disclose, or suggest the presently claimed invention. Wolski discloses a combination comprising a book and a three-dimensional sculpture. As described in the abstract, a sculpture is bifurcated and pages of one type of thickness are placed therebetween.

Throughout the specification Wolski refers to the cover of his combination as a three dimensional sculpture. Wolski does not teach, disclose, or suggest that the cover is a page as presently claimed. A page is defined in the Oxford English Dictionary as "One side of a leaf of a book, manuscript, letter, etc.; (*also*) such a leaf considered as a whole, comprising both sides." At oed.dictionary.com. (Emphasis added.) Thereto, the definition of leaf in this sense is defined

as a "A very thin sheet of metal, esp. gold or silver. . . . *A thin sheet . . .*". At oed.dictionary.com. (Emphasis added.)

Thus, Applicant respectfully submits that Wolski does not teach a page nor a type of a page as claimed, but rather a three-dimensional sculpture as disclosed in the specification. Applicants teach, disclose and claim a page having a substantially flat surface. A page would be insertable in any location within the book and maintain the feature of the book. While its outer dimensions may be inappropriate for such a location, the page would still leave the unmistakable impression of a book.

In contrast, Wolski discloses a cover having a three-dimensional shape and which is sculpted. Col. 2, lines 57-69. Moving this cover to an inside position of the combination disclosed by Wolski would yield a base made of several pages onto a sculpted object has been placed. Additional pages that are placed on top would not find a convenient resting place and likely slide off. The result would not be mistaken for a book.

Accordingly, the Examiner is respectfully requested to withdraw the rejections for this reason alone.

Furthermore, Wolski indicates no motivation to change from a three-dimensional sculpture to a page. In fact in doing so, Wolski would lose any semblance of the creativity in combining a three-dimensional sculpture and a book. Col. 2, lines 15-20.

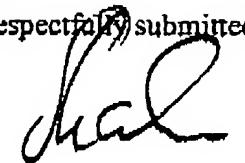
All dependent claims are allowable for at least substantially the same reasons as the independent claim from which they depend. Thus, Applicant believes that the application is now in condition for allowance of all claims and earnestly solicits the same.

However, if for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

10/642,999

Any fee due with this paper may be charged on Deposit Account 50-1290.

Respectfully submitted,



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CUSTOMER NUMBER 026304
Docket No.: SAIC 20.557 (100788-00064)
HAS:par